

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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2004 APR -2 P 12:15

DAVID DEITZEL  
42 Carter Street  
Leominster, MA 01453

Plaintiff,

v.

CIVIL ACTION NO. 03-12560-RGS

SPRINGFIELD TERMINAL RAILWAY  
COMPANY  
Iron Horse Park  
North Billerica, MA 01862  
c/o CT Corporation System  
101 Federal Street, Boston, MA 02110  
and

GUILFORD RAIL SYSTEMS  
Iron Horse Park  
North Billerica, MA 01862

Defendants

**PLAINTIFF'S ASSENTED TO MOTION TO CONTINUE SCHEDULING  
CONFERENCE**

The plaintiff, David Deitzel, in the above captioned matter hereby moves to continue the F. R. Civ. P. 16 (b), Initial Scheduling Conference date from April 22, 2004 to the next available date after May 21, 2004. The defendants have assented to this Motion. As grounds for and in support of this Motion the plaintiff states as follows:

1. Plaintiff's local counsel, Mario Bozza, is presently scheduled for a pre-paid vacation and will be out of the country from April 16, 2004 until April 25, 2004.
2. Plaintiff's Trial Counsel, Samuel J. Rosenthal, of Barish Law Offices, P.C. has been called to a trial starting April 19, 2004 before the Honorable Bery Schiller in the United States District Court for the


Eastern District of Pennsylvania in the matter of Paul Fournarakis v. National Railroad Passenger Corporation, Civil Action #: 03-4588.

3. This trial is expected to last up to one week and, therefore, conflicts with the scheduled conference of this matter.
4. Defendants' counsel, John J. O'Brien, Jr., is unavailable due to a previously scheduled matter on May 3, 2004 and is on trial from May 10 through May 21, 2004.
5. The defendants are not prejudiced by this extension.
6. This is the first extension of time requested by the plaintiff in this matter.

WHEREFORE, the plaintiff, for all of the foregoing reasons, respectfully requests that this Honorable Court reschedule to the Initial Scheduling Conference in this matter until the next available date after May 21, 2004.

Dated: 3/31/04

Respectfully Submitted,

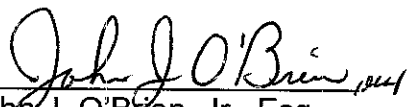
  
Mario Bozza, Esq.  
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Of Counsel:

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ATTORNEYS FOR PLAINTIFF

Assented To:

  
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